

**BEFORE THE IOWA  
ETHICS AND CAMPAIGN DISCLOSURE BOARD**  
Pursuant to Chapter 17A and Chapter 68B

IN THE MATTER OF:

**PATRICK HENDRICKS**  
In His Capacity as the Iowa Agent  
for the United Transportation Union  
Political Action Committee,  
RESPONDENT.

)  
)  
) Case No. 2008 IECDB 04  
)  
) **PROPOSED DECISION and ORDER**  
) of the **PRESIDING OFFICER**  
)

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A telephonic hearing was held on April 4, 2008. The undersigned, the Board's legal counsel, Charles Smithson, and the Respondent Patrick Hendricks participated in the conference call. The hearing was conducted in an open session and the parties agreed to proceed informally.

The hearing was to determine if Patrick Hendricks, acting on behalf of an organization called the United Transportation Union Political Action Committee, had twice violated Section 68A.201(5) of the Code of Iowa. The undersigned asked several questions of both the Respondent and the Board's legal counsel in order to understand what had happened that led to the apparent delay between the date on the checks for the contributions and the date of the filing of the two Verified Statements of Registration (VSRs). It appears to be clear that copies of the VSRs accompanied the actual contributions to the candidates. From the statements of the Respondent and Board's legal counsel, the actual facts of what took place were revealed in detail.

**Findings of Fact**

The Respondent, Patrick Hendricks, was very cooperative and open about the one essential fact that has a bearing on the Allegation. He admitted that he failed to file Verified Statements of Registration within fifteen days of the date shown on the actual checks which were candidate

contributions by the United Transportation Union Political Action Committee. These checks are dated August 22, 2007 and were sent and re-sent by the United Transportation Union Political Action Committee in Cleveland, Ohio, to the Respondent at a point in time when Respondent was physically moving his office in Des Moines. He did not have physical possession of the two checks until very close to the September 6, 2008 statutory deadline. The candidates themselves made appropriate reports of the receipt of the contributions to the Board indicating receipt by the Taylor campaign on September 6, 2007 and by the Murphy campaign on September 10, 2007. The VSRs were received by the Board on September 17, 2007. The Respondent at all times acted in good faith and the undersigned believes that if the Respondent had furnished more detail to the Board in his October 23, 2007 request for waiver, the Board's action on November 8, 2007 might have been different than its rejection of his waiver request. Nevertheless it is clear that there has been a technical violation of the Administrative Rule.

### Conclusions

The Iowa Administrative Code relating to dates for a candidate reporting the receipt a contribution differ from the duty of an out-of-state committee to file a verified statement of registration. These different reporting requirements have their own reasonable rationales, but to the public there could exist some confusion.

The Iowa Administrative Code §351-4.14(2) states:

*Date of contribution--date received.* The schedule shall include the complete date (month/day/year) that the contribution was physically received by a person on behalf of the committee. If the contribution is by check, the date of the contribution to be reported is the date the check is physically received by a person on behalf of the committee, even if this date is different from the date shown on the check. For contributions received by mail, the date of the contribution to be reported shall be the date that the recipient physically opens the envelope.

However, the Iowa Administrative Code §351-4.59 (6) states:

Verified statement of registration assessments. An out-of-state committee that chooses to file a verified statement of registration (VSR) as provided in Iowa Code Supplement section 68A.201 and rule 351-4.32(68A), but fails to file the VSR on or before the fifteenth day after the date of the contribution, shall be assessed a \$25 civil penalty per late-filed VSR. However, if there is a repeat delinquency by the committee in a 12-month period, the penalty shall be \$50.

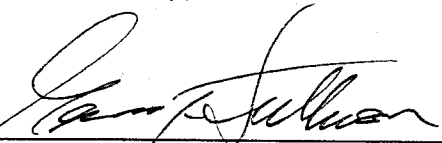
For purposes of this subrule, "date of the contribution" means the day, month and year the contribution check is dated. (Emphasis supplied)

Respondent admittedly was in violation of §351-4.59 (6), but under the circumstances equity dictates that Respondent's good faith effort be recognized by the Board by a reduction of civil penalty.

### Disposition

Pending final approval by the Iowa Ethics & Campaign Disclosure Board, it is ordered that Patrick Hendricks pay a single civil penalty of \$25.00. Respondent, and others, should in the future be on notice of the provisions of the last sentence of §351-4.59 (6).

Dated this 11<sup>th</sup> day of April, 2008

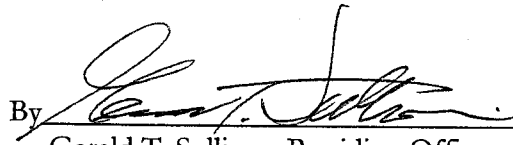
By   
Gerald T. Sullivan, Presiding Officer

### Post Decision Procedure

Pursuant to rule 351—11.26, within 14 days of the issuance of this proposed order either party may serve a statement of exceptions including supporting arguments by delivering the original and 5 copies to the Board's office and by serving a copy to the opposing party. With the filing of exceptions, either party may also request an oral argument before the Board. After the Board reviews this proposed decision and any filed exceptions, it will enter a final order. Pursuant to rule 351—11.27, either party may file an application for rehearing from that final order.

IT IS SO ORDERED.

Dated this 11<sup>th</sup> day of April, 2008,

By   
Gerald T. Sullivan, Presiding Officer

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